

Introduced by Senator Monteith

February 22, 2002

An act to add Chapter 12 (commencing with Section 35290) to Part 4 of, and to add Chapter 2.1 (commencing with Section 35515) to Part 5 of, Division 13 of, the Water Code, relating to California water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1871, as introduced, Monteith. Root Creek Water District.

Existing law, the California Water District Law, provides for the formation of California Water Districts and grants to those districts the authority to provide water and sewage services. That district law generally requires the members of the board of a California water district, and the voters of that district, to be landowners, but provides for the modification of these requirements by the board of that district.

This bill would modify requirements relating to the composition of, and manner of election of directors to, the board of the Root Creek Water District, which is a California Water District, to reflect changes in land use within that district. The bill would apply these requirements to a district election that is held following a determination by the board relating to the amount of land in the district that is devoted to agricultural and nonagricultural uses, respectively. The duties established by this bill for that district relating to the conduct of its elections and the composition of its board would impose a state-mandated local program.

The bill would authorize that district to purchase, lease, distribute, and provide for the generation of, electric power in the same manner as irrigation districts. The bill would authorize that district to purchase, leases, and distribute natural gas in accordance with certain procedures.

The bill would grant to that district numerous new powers, including the authority to protect against fire, develop public recreation, construct street lighting, undertake mosquito abatement operations, operate a police department, and provide and maintain public airports.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The Root Creek Water District is a California water district
4 formed October 1, 1996, to serve approximately 9,500 acres of
5 land zoned as agricultural property in eastern Madera County.

6 (b) Every landowner within the district signed the formation
7 petition. The local agency formation commission and the county
8 board of supervisors unanimously provided all necessary
9 approvals for the formation of the district. The formation of the
10 district was approved by the unanimous vote of landowners in the
11 September 17, 1996, formation election. The district formation
12 was confirmed by the Madera County Board of Supervisors on
13 October 1, 1996.

14 (c) The property within the district is not currently served by
15 any other public utility, water district, or improvement district.

16 (d) The existing agricultural operations within the district are
17 currently dependent on groundwater, as they have been since their
18 establishment 30 or more years ago. The pumping level, volume,
19 and quality of the groundwater are all declining. The primary
20 purpose of the district is to enter into agreements with the Madera

Irrigation District, the Chowchilla Water District, and the Friant Water Users Authority, and its member units, to allow the district to acquire water from the San Joaquin River and other sources to engage in intentional groundwater recharge. The district intends to implement conjunctive use of the groundwater basin underlying the district to provide reliable water supplies for the existing agricultural and anticipated municipal and industrial water users within the district.

(e) On December 30, 1999, the district entered into an agreement entitled “Agreement Concerning Agricultural, Municipal and Industrial Water Use Within Root Creek Water District” with the Friant Water Users Authority, the Madera Irrigation District, and the Chowchilla Water District to facilitate the district’s ability to provide water to all users within the district and to correct the existing groundwater overdraft within the district.

(f) To efficiently and economically fulfill the purposes of the district, and to better serve the landowners of the district and its future residents as the municipal and industrial projects approved within the district advance, it is necessary and appropriate for the district to have certain powers that are granted to other public entities in the state. As the district transitions from an agricultural district to an urban district, it is also necessary and appropriate to modify procedures relating to district elections and the composition of the board of the district.

SEC. 2. Chapter 12 (commencing with Section 35290) is added to Part 4 of Division 13 of the Water Code, to read:

CHAPTER 12. METHODS OF ELECTIONS FOR ROOT CREEK WATER DISTRICT

35290. This chapter applies only to the Root Creek Water District. For the purposes of this chapter, “district” means the Root Creek Water District.

35290.2. (a) This section applies for the district elections following a determination by the board that at least 20 percent of the land area of the district is devoted to a combination of residential, industrial, and nonagricultural commercial uses.

(b) (1) Notwithstanding any other provision of this division, the board of directors, by resolution, shall establish two divisions within the district.

(2) One division shall be comprised of that portion of the district that is primarily devoted to agricultural uses, and shall be referred to as the agricultural division. The other division shall be comprised of that portion of the district that is primarily devoted to residential, industrial, and nonagricultural commercial uses, and shall be referred to as the urban division.

(c) The board shall consist of seven directors. The voters in the urban division shall elect two directors and the voters in the agricultural division shall elect five directors.

(d) In the urban division, the directors shall be residents of the division and shall be registered voters at the time of their election and during their term of office. All elections in that division shall be conducted in accordance with Section 35054.

(e) In the agricultural division, the directors shall be one of the following:

(1) A holder of title to land within the division.

(2) The legal representative of a holder of title to land within the division in accordance with Section 34030.

(3) A representative designated by a holder of title to land within the district, if the holder has filed with the district evidence of that designation. All elections in that division shall be conducted in accordance with Article 1 (commencing with Section 35003) of Chapter 1.

35290.4. (a) This section applies for the district elections following a determination by the board that at least 35 percent of the land area of the district is devoted to a combination of residential, industrial, and nonagricultural commercial uses.

(b) Notwithstanding any other provision of this division, the board of directors, by resolution, shall modify the boundaries of the divisions to meet the requirements of paragraph (2) of subdivision (b) of Section 35290.2.

(c) The board shall consist of seven directors. The voters in the urban division shall elect three directors and the voters in the agricultural division shall elect four directors in accordance with the requirements applicable to each respective division, as set forth in Section 35290.2.

1 35290.6. (a) This section applies for the district elections
2 following a determination by the board that at least 50 percent of
3 the land area of the district is devoted to a combination of
4 residential, industrial, and nonagricultural commercial uses.

5 (b) The board shall consist of seven directors. The board of
6 directors, by resolution, shall dissolve the two divisions
7 established pursuant to this chapter. The directors shall be elected
8 and the elections shall be conducted in accordance with
9 subdivision (d) of Section 35290.2.

10 35290.8. To the extent that the requirements of this chapter,
11 including requirements relating to the establishment or dissolution
12 of divisions or the qualifications of the directors, affect the terms
13 of the directors, those terms shall be modified, by resolution, by
14 the board.

15 35290.10 For the purposes of this chapter, “primarily
16 devoted” means _____.

17 SEC. 3. Chapter 2.1 (commencing with Section 35515) is
18 added to Part 5 of Division 13 of the Water Code, to read:

19
20 CHAPTER 2.1. PROVISIONS PERTAINING ONLY TO THE ROOT
21 CREEK WATER DISTRICT
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23 35515. This chapter applies only to the Root Creek Water
24 District. For the purposes of this chapter, “district” means the
25 Root Creek Water District.

26 35515.2. The district may purchase, lease, distribute, and
27 provide for the generation of, electric power in the same manner
28 and subject to the same restrictions as irrigation districts.

29 35515.4. (a) The district may purchase, lease, and distribute
30 natural gas in accordance with this section.

31 (b) The district may purchase or lease natural gas from any
32 public or private entity, and may provide for the acquisition,
33 operation, leasing, and control of plants for the generation,
34 transmission, distribution, sale, and lease of natural gas, including
35 sale to cities, public utility districts, or persons.

36 (c) The district has the same powers, duties, and liabilities
37 respecting natural gas, and the acquisition, operation, and control
38 thereof, as it has with regard to water or electricity, as applicable.

39 (d) The district may construct and operate natural gas works.

1 (e) The district may sell, dispose of, and distribute natural gas
2 for use inside and outside its boundaries.

3 (f) (1) The district may construct and operate natural gas lines
4 along, over, under, or upon any road or across any railway or
5 conduit that the route of the lines intersects or runs along.

6 (2) The district may not construct and operate natural gas lines
7 along, over, under, or upon any road or conduit within any city or
8 district unless permission to do so is granted by the governing body
9 of the city or district, which in so doing may impose reasonable
10 conditions upon the proposed use.

11 (g) If the district constructs lines pursuant to this chapter, the
12 district shall restore the road, railway, or conduit intersected to its
13 former state of usefulness to the maximum extent possible.

14 35515.6. (a) The district may not exercise any of the powers
15 granted in Section 35515.2 or 35515.4 within the County of
16 Merced, Madera, or Fresno without the consent of the affected
17 county or any water or power agency whose sphere of influence
18 may be affected.

19 (b) Any electric power facilities constructed by the district that
20 require water shall be designed to utilize treated effluent and the
21 district shall determine that the power facilities will not reduce the
22 supplies of water for water users of the district or other water users
23 in the counties identified in subdivision (a).

24 35515.8. The district may construct facilities or take action
25 for the following purposes:

26 (a) As described in subdivisions (a) to (k), inclusive, and
27 subdivisions (m) to (p), inclusive, of Section 61600 of the
28 Government Code.

29 (b) As described in Section 16461, 16462, or 16463 of the
30 Public Utilities Code.

31 SEC. 4. The Legislature finds and declares that this act, which
32 is applicable only to the Root Creek Water District, is necessary
33 because of the unique and special circumstances of that district
34 relating to population and land use changes. It is, therefore, hereby
35 declared that a general law within the meaning of Section 16 of
36 Article IV of the California Constitution cannot be made
37 applicable to the district and the enactment of this special law is
38 necessary for the operation of the district for the public good.

39 SEC. 5. Notwithstanding Section 17610 of the Government
40 Code, if the Commission on State Mandates determines that this

1 act contains costs mandated by the state, reimbursement to local
2 agencies and school districts for those costs shall be made pursuant
3 to Part 7 (commencing with Section 17500) of Division 4 of Title
4 2 of the Government Code. If the statewide cost of the claim for
5 reimbursement does not exceed one million dollars (\$1,000,000),
6 reimbursement shall be made from the State Mandates Claims
7 Fund.
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